

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RONALD SATISH EMRIT,

Plaintiff,

v.

SOUTHERN NEVADA REGIONAL
HOUSING AUTHORITY, *et al.*,

Defendants.

Case No. 2:16-cv-02701-MMD-VCF

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
CAM FERENBACH

Before the Court is the Report and Recommendation of United States Magistrate Judge Cam Ferenbach ("R&R") that Plaintiff's *pro se* complaint be dismissed with leave to amend. (ECF No. 7.) Plaintiff had until December 22, 2016 to file an objection. (*Id.*) To date, no objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a

1 magistrate judge's report and recommendation where no objections have been filed. See
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
3 of review employed by the district court when reviewing a report and recommendation to
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
6 view that district courts are not required to review "any issue that is not the subject of an
7 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
10 which no objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
12 determine whether to adopt Magistrate Judge Ferenbach's R&R. Upon reviewing the
13 R&R and the Complaint, this Court finds good cause to accept and adopt the Magistrate
14 Judge's R&R in full.

15 It is therefore ordered, adjudged and decreed that the Report and
16 Recommendation of Magistrate Judge Cam Ferenbach (ECF No. 7) is accepted and
17 adopted in its entirety. Plaintiff's Complaint (ECF No. 8) is dismissed with leave to
18 amend.

19 If Plaintiff chooses to file an amended complaint he is advised that an amended
20 complaint supersedes the original complaint and, thus, the amended complaint must be
21 complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d
22 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original
23 complaint is irrelevant; an amended pleading supersedes the original"); see also *Lacey*
24 *v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed
25 with prejudice, a plaintiff is not required to reallege such claims in a subsequent
26 amended complaint to preserve them for appeal). Plaintiff's amended complaint must
27 contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in
28 this lawsuit.

1 If Plaintiff wishes to file an amended complaint, Plaintiff must do so by February
2 13, 2017. Plaintiff's failure to timely file an amended complaint may result in dismissal of
3 this action with prejudice.

4 DATED THIS 12th day of January 2017.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE